

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for Application No. 10/711,652 is being facsimile transmitted on January 11, 2005.


Kevin G. Rooney, Reg. No. 36,330

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/711,652
Filed: September 29, 2004
Group Art Unit: Unknown
Examiner: Unknown
Applicant: Bogdan Radu and Alan G. Dry
Title: AUTOMOTIVE ASHTRAY HAVING AN ELECTROLUMINESCENT LAMP AND METHOD OF MAKING SAME
Attorney Docket: MASL-53
Confirmation No.: 5651

Cincinnati, Ohio 45202

January 11, 2005

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. § 1.47(a)
TO ACCEPT UNSIGNED DECLARATION

Applicant Alan G. Dry, hereby petitions the Patent Office to accept the previously submitted and unsigned Declaration by Bogdan Radu, a joint inventor refusing to join in the above-referenced application for patent. Attached is a Statement of Facts in support thereof.

As set out in the accompanying Statement of Facts and attached Exhibits, joint inventor Alan G. Dry signed and submitted a Declaration in conjunction with the filing of the above-referenced application. This Declaration was submitted without the

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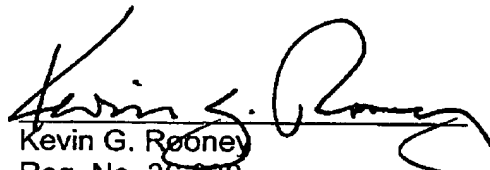
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signature of joint inventor Bogdan Radu. On one or more occasions, Mr. Radu was presented with the patent application along with a Declaration for execution through his attorney. Mr. Radu, however, continues to refuse to sign and join in the application for patent. In view thereof, Applicant requests acceptance of this petition to preserve his rights or to prevent irreparable damage.

This is authorization for the Commissioner to charge \$200.00 for the petition fee to Deposit Account 23-3000. Applicant believes that no other fees are due in connection with this petition. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.


Kevin G. Rooney
Reg. No. 36,330

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/711,652
Filed: September 29, 2004
Art Unit: Unknown
Applicant(s): Bogdan Radu and Alan G. Dry
Title: AUTOMOTIVE ASHTRAY HAVING AN ELECTROLUMINESCENT LAMP
AND METHOD OF MAKING THE SAME
Atty. Docket: MASL-53
Conf. No: 5651

Cincinnati, Ohio 45202

January 10, 2005

the specification of which:

- (a) ☐ is attached hereto
- (b) ☒ was filed on September 29, 2004, and was accorded Application
Serial No. 10/711,652.
- (c) ☐ was described and claimed in International Application No.
_____ filed on _____ and as amended on _____
(If any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTOR (37 CFR §1.47a)**

This statement is being made to provide proof of the pertinent facts establishing the efforts made to obtain execution of a Declaration by Bogdan Radu, the non-signing joint inventor, and his refusal to sign same for the above-identified patent application. Accordingly, this action is necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Name: Steven W. Benintendi
Address: Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202

LAST KNOWN ADDRESS OF THE NON-SIGNING INVENTOR

Name of non-signing inventor: Bogdan Radu
Last known address of non-signing inventor: 16011 Knollwood Drive, Dearborn,
Michigan 48120

STATEMENT OF FACTS

I am an attorney for the law firm of Wood, Herron & Evans, LLP. On, or about, July 1, 2004, I began corresponding with Bogdan Radu to enable me to prepare the above referenced and now filed U.S. patent application. At that time, Mr. Radu was an employee of the Lear Corporation. The invention was made jointly by Mr. Radu and Mr. Alan G. Dry while employed by the Lear Corporation. Mr. Radu agreed in writing to assign all inventions made during employment to the Lear Corporation, as evidenced by the "Employee Confidential Information and Intellectual Property Agreement" attached as Exhibit A. It is apparent that Mr. Radu signed this document on October 17, 2001.

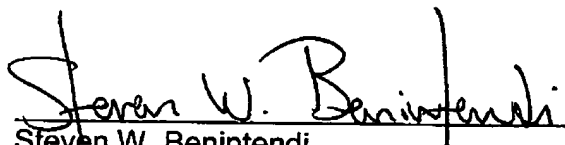
Between July 1, 2004 and August 19, 2004, Mr. Radu and I corresponded on several occasions to discuss additional information that Mr. Radu agreed to supply to assist in the preparation of the patent application. On August 19, 2004, I received a letter from Mr. Radu's personal attorney, Karen Smith Kienbaum, as an attachment to

an e-mail, requesting that all contact with Mr. Radu be ceased. A copy of this correspondence is attached as Exhibit B.

On September 28, 2004, the Lear Corporation authorized Wood, Herron and Evans, L.L.P. to file the U.S. application subsequently accorded Application Serial No. 10/711,652 with the U.S. Patent & Trademark Office along with the Declaration of Exhibit C signed by Mr. Dry but unsigned by Mr. Radu.

On November 18, 2004, a copy of the patent application and a Declaration were forwarded along with a letter to Mr. Radu's counsel requesting execution of the Declaration by Bogdan Radu. This letter further requested that the executed Declaration be received by December 13, 2004. I did not immediately receive the delivery receipt. Thus, on December 2, 2004 I re-sent the letter, patent application and Declaration to Mr. Radu's counsel. Some time after December 2, 2004, I received the original signed delivery receipt. The second delivery receipt was also returned but unsigned. A copy of the two letters is attached as Exhibit D, which also includes a copy of both delivery receipts. To date, I have not received a signed Declaration in response to my letters.

Date:

1/11/05
Steven W. Benintendi

**EMPLOYEE CONFIDENTIAL INFORMATION****AND****INTELLECTUAL PROPERTY AGREEMENT**

In accord with company policy applicable to me and employees in comparable positions, and in consideration of my employment or continuation of employment by Lear Corporation, Manufacturing Operations Division, or any of its subsidiary or affiliated Companies (hereinafter for convenience referred to as "Lear"), I agree as follows:

All improvements, inventions, designs, and useful ideas conceived or made by me during my employment, or for three (3) years following my employment if based upon information I learned during my employment, which relate in any way to Lear's business shall be disclosed promptly in writing, drawing, or other tangible form to Lear and shall be its exclusive property. When requested, I agree to return to Lear all tangible embodiments therein together with all copies thereof and to execute applications, assignments, and other instruments to convey to Lear the exclusive right, title, and interest therein, and to render all other assistance which Lear deems necessary to make application for and obtain patents, trademarks or copyrights in the United States and other countries. This obligation shall continue beyond the term of my employment as to improvements, inventions, designs, and useful ideas conceived or made during the periods specified above.

I also agree that I will not, either during or after my employment, disclose or use any confidential or secret information pertaining to Lear's business, without permission of Lear in writing, nor otherwise engage in any activity detrimental to Lear's interests.

ACCEPTED _____

Lear Representative

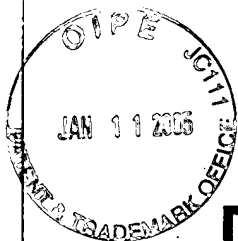
SIGNED _____

Employee

DATE _____

DATE

17 Oct 2001



Karen Smith Kienbaum & Associates
400 Monroe, Suite 470, Detroit, MI 48226
313 967-0700/fax 313 967-0244/www.ksklaw.com

A law practice emphasizing Labor, Employment
and Alternate Dispute Resolution (ADR)

August 19, 2004

Transmitted by Email

Stephen W. Benintendi, Esq.
Wood, Herron and Evans
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917

CONFIDENTIAL

Re: Mr. Bogdan Radu

Dear Mr. Benintendi,

Our office represents Mr. Bogdan Radu (patent applications #04961, #04962, #04981). Your client Lear Corporation has recently terminated Mr. Radu. Therefore, because Lear no longer employs Mr. Radu, we ask that your office refrain from contacting him regarding any of his patent submissions, or for any other matter. Hopefully Mr. Radu will be able to work out an agreement with Lear that will allow him to continue to work with you and your firm as a consultant regarding any pending patents.

Thank you in advance for your anticipated cooperation. If you have any questions please feel free to contact my office at (313) 967-0700. If I am not available please speak with my colleague, Darren Burmania.

Sincerely,

Karen Smith Kienbaum & Associates

Karen Smith Kienbaum

KSK:lmm

Attorney Docket No. MASL-53**DECLARATION, POWER OF ATTORNEY, AND PETITION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**AUTOMOTIVE ASHTRAY HAVING AN ELECTROLUMINESCENT LAMP AND
METHOD OF MAKING THE SAME**

the specification of which (check one below):

- ☒ (X) is attached hereto.
- ☐ () was filed on ___ as Application Serial No. ___ or Express Mail No. ___, and was amended on ___ (if applicable).
- ☐ () was filed on ___ as PCT International Application No. ___, and as amended under PCT Article 19 on ___ (if any).

I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed?

_____ (Number)	_____ (Country)	_____ Day/Month/Year Filed	() Yes () No
_____ (Number)	_____ (Country)	_____ Day/Month/Year Filed	() Yes () No
_____ (Number)	_____ (Country)	_____ Day/Month/Year Filed	() Yes () No

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

_____ (Serial No.)	_____ (Filing Date)	_____ (Status: Patented, Pending, or Abandoned)
_____ (Serial No.)	_____ (Filing Date)	_____ (Status: Patented, Pending, or Abandoned)
_____ (Serial No.)	_____ (Filing Date)	_____ (Status: Patented, Pending, or Abandoned)

I appoint the practitioners associated with the customer number 37,690 to be my attorneys or agents, with full power of substitute and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to

Kevin G. Rooney

Address of customer number 37,690
Telephone (513) 241-2324
Facsimile (513) 241-6234

I request that the United States Patent and Trademark Office grant a U.S. patent for the invention described and claimed in the specification identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Bogdan Radu

Inventor's Signature _____ Date _____

Residence City/State Dearborn, Michigan Citizenship Canada

Post Office Address 16011 Knollwood Drive, Dearborn, Michigan 48120

Full name of Inventor Alan G. Dry

Inventor's Signature  Date 09-28-04

Residence City/State Grosse Point Woods, Michigan Citizenship Canada

Post Office Address 19768 Ida Lane West, Grosse Point Woods, Michigan 48236

WOOD, HERRON & EVANS, L.L.P.

2700 CAREW TOWER

441 VINE STREET

CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-241-6234

WEBSITE: www.whepatent.com

**PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION**EDMUND P. WOOD 1923-1988
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARDJ. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, Ph. D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, Ph. D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
WESLEY L. STRICKLAND*
STEVEN W. BENINTENDI, Ph. D.
RANDALL S. JACKSON, JR.

*ADMITTED ONLY IN D.C. AND VA.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKE, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, Ph. D.OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN

November 18, 2004

Certified Mail
Return Receipt RequestedKaren Smith Kienbaum, Esq.
Karen Smith Kienbaum & Associates
400 Monroe
Suite 470
Detroit, MI 48226Re: Mr. Bogdan Radu
Patent Application No. 10/711,652, filed September 29, 2004
**AUTMOTIVE ASHTRAY HAVING AN ELECTROLUMINESCENT
LAMP AND METHOD OF MAKING SAME**
Our ref: MASL-53; Lear No. 04962

Dear Ms. Kienbaum,

Your correspondence to us, dated August 19, 2004, requested we refrain from contacting Mr. Radu regarding any of his patent submissions, or for any other matter. Accordingly, I am contacting you as legal counsel for Bogdan Radu and trust that you will promptly communicate this to your client.

As you are aware, Bogdan Radu is currently named as an inventor in the above-identified patent application (copy enclosed). As such, please also find enclosed a Declaration, and an Assignment for execution by Mr. Radu. Finally, we have enclosed a document entitled §1.56 Duty to Disclose Information Important to Patentability which needs to be initialed by Mr. Radu. Please note that the §1.56 Duty to Disclose Information Important to Patentability form explains the importance of disclosing to us all information known by Mr. Radu that may be relevant to the invention so that we may forward it, as required, to the U.S. Patent and Trademark Office.

WOOD, HERRON & EVANS, LLP

Karen Smith Kienbaum, Esq.
November 18, 2004
Page 2

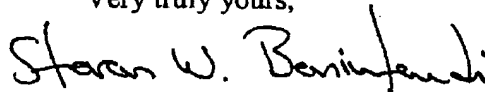
In view of the recent filing of this patent application, the enclosed Declaration and Assignment must now be executed and filed with the U.S. Patent and Trademark Office. It is our understanding that Mr. Radu is required to assign his rights in this application to Lear Corporation (see enclosed "Employee Confidential Information and Intellectual Property Agreement").

Kindly attend to the execution of the enclosed documents by Mr. Radu. Prior to his execution of the Declaration and the Assignment, please verify that his information is correct as presented on the documents. When Mr. Radu executes these documents, be sure that blue ink is used. Please also note that the Assignment must be notarized.

Please forward the executed documents to us so that we receive them no later than Monday, December 13, 2004. You may fax the documents to my attention at the number listed above, and send the executed originals via regular mail.

If you have any questions, please do not hesitate to call.

Very truly yours,



Steven W. Benintendi, Ph.D.

SWB/slh
Enclosures
cc: Kevin G. Rooney, Esq.



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature MPDL-53</p> <p>X <i>Jim Scott</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>Karen Smith Kienbaum, Esq.</i> <i>Karen Smith Kienbaum Assoc.</i> <i>400 Monroe</i> <i>Suite 470</i> <i>Detroit, MI 48226</i></p>		<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery <i>11-24-04</i></p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>7003 0500 0000 2147 7950</p>	
PS Form 3811, August 2001		Domestic Return Receipt	
		102595-02-M-1540	

WOOD, HERRON & EVANS, L.L.P.

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OF COUNSEL
JOHN D. POFFENBERGER
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WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
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RANDALL S. JACKSON, JR.

*ADMITTED ONLY IN D.C. AND VA

December 2, 2004

Certified Mail
Return Receipt Requested

Karen Smith Kienbaum, Esq.
Karen Smith Kienbaum & Associates
400 Monroe
Suite 470
Detroit, MI 48226

Re: Mr. Bogdan Radu
Patent Application No. 10/711,652, filed September 29, 2004
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WOOD, HERRON & EVANS, L.L.P.

Karen Smith Kienbaum, Esq.
December 2, 2004
Page 2

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Very truly yours,

Steven W. Benintendi /slh

Steven W. Benintendi, Ph.D.

SWB/slh
Enclosures
cc: Kevin G. Rooney, Esq



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p>	
		B. Received by (Printed Name)	C. Date of Delivery
<p>1. Article Addressed to:</p> <p>Karen Smith Kienbaum, Esq. Karen Smith Kienbaum 400 Monroe Suite 470 Detroit, MI 48226</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
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		<p>7003 0500 0000 2147 7967</p>	
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